

Senate Bill No. 347

Passed the Senate September 8, 2005

Secretary of the Senate

Passed the Assembly September 7, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 12670.11 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 347, Ortiz. Flood control: American River flood damage reduction project.

(1) Existing law adopts and authorizes the project for flood damage reduction and environmental restoration in the American River watershed in Sacramento County at an estimated cost to the state of the sum that may be appropriated for state cooperation by statute, upon the recommendation and advice of the Department of Water Resources or the Reclamation Board.

This bill would provide that the project includes the construction of a new bridge with an estimated cost of \$66,000,000, of which \$36,000,000 is allocated to flood damage reduction and dam safety. The bill would provide that the state's share of the project cost shall be at least \$5,200,000, but not more than \$9,000,000, of the project amount that is allocated to flood damage reduction, as specified. The bill would require the City of Folsom to serve as the nonfederal sponsor of the bridge and to enter into a specified agreement with the department. By imposing requirements on the City of Folsom, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 12670.11 of the Water Code is amended to read:

12670.11. (a) (1) The project for flood damage reduction and environmental restoration in the American River watershed in Sacramento County is adopted and authorized substantially in

accordance with Congressional approval and the final report of the Chief of Engineers dated November 5, 2002, as authorized by Section 128 of the Energy and Water Development Appropriations Act, 2004 (P.L. 108-137), at an estimated cost to the state of the sum that may be appropriated for state cooperation by statute, upon the recommendation and advice of the department or the Reclamation Board.

(2) The project includes the construction of a new bridge with an estimated cost of sixty-six million dollars (\$66,000,000), of which thirty-six million dollars (\$36,000,000) is allocated to flood damage reduction and dam safety.

(3) The state's share of the bridge project cost shall be at least five million, two hundred thousand dollars (\$5,200,000), but not more than nine million dollars (\$9,000,000), of the project amount that is allocated to flood damage reduction.

(4) The calculation of the state's share of the funding pursuant to paragraph (3) shall be determined by the federal government's allocation of the costs of the bridge to the dam safety features of the project.

(b) The Sacramento Area Flood Control Agency shall enter into an agreement with the department pursuant to which the agency agrees to indemnify and hold and save harmless the state, its officers, agents, and employees for any and all liability for damages that may arise out of the planning, design, construction, operation, maintenance, repair, and rehabilitation of the project.

(c) The City of Folsom shall serve as the nonfederal sponsor of the bridge authorized as part of the project and shall enter into an agreement with the department to receive the state's proportionate share of the cost of the bridge and to indemnify and hold and save harmless the state, its officers, agents, and employees for any and all liability for damages that may arise out of the planning, design, construction, operation, maintenance, repair, and rehabilitation of the bridge.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

Approved _____, 2005

Governor